

### **REMARKS**

Claims 1-16 are now pending in this application. Claims 1 and 6-8 are independent claims.

By this amendment, claims 1, 2, 6-9 are amended, and new dependent claims 13-16 are added.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

#### **The Claims Define Patentable Subject Matter**

The Office Action makes the following rejections:

(1) claims 1, 2, 5-9 and 12 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,955,140 to Stephens et al. (hereafter Stephens); and

(2) claims 3, 4, 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stephens in view of U.S. Patent No. 6,151,490 to Schultheiss (hereafter Schultheiss).

These rejections are respectfully traversed.

#### **Rejections under 35 U.S.C. §102(b)**

Applicants respectfully submit that the claimed invention is distinguishable from the cited art, Stephens, for at least the following reasons:

The Examiner alleges that Stephens discloses a first signal reception unit in element 16 of Fig. 1 for receiving a signal from portable transceiver 20 (from the outside). (see Office Action, page 2, section 3). From a review of Stephens, it is clear that element 16 is a transmitter and not a receiver. As such, applicants respectfully submit that the Examiner may have meant to identify element 18 instead of element 16.

In any case, whether the Examiner meant element 16 or element 18, the Examiner goes on to allege that the claimed first radio communication unit is shown by Stephens in element 8 of Fig. 1. Stephens' element 8 is described as being a part of a conventional mobile transceiver 6 having a transmitter 8 and a receiver 10. However, although element 8 in Fig. 1 of Stephens may be for transmitting the received signal from receiver 18, Stephens fails to disclose a second radio

communication unit that is provided separately from the first radio communication unit and capable of providing both transmission/reception of the signal by radio.

For example, the Examiner alleges that Stephens discloses the claimed second radio communication unit in element 6 of Fig. 1. However, as noted above, element 6 of Stephens is a mobile transceiver that includes both the receiver 10 and the transmitter 8. As such, if in Stephens the transmitter 8 is used as the transmitter for the first signal reception unit (MRE receiver 18) and, as alleged by the Examiner, is also used in the second radio communication unit (transceiver 6) which includes both transmitter 8 and a receiver 10, then the alleged second radio communication unit (transceiver 6) fails to be provided separately from the first radio communication unit because both units must use the same transmitter in Stephens.

In the claimed invention, the second radio communication unit (170) is provided separately from the first radio communication unit (160) and the second unit is capable of transmission/reception of the signal by radio, for example. (see present application, Fig. 1). Applicants respectfully submit that Stephens clearly fails to disclose such a feature.

Furthermore, even if Stephens' mobile transceiver 6 was a proper second radio communication unit as claimed, it appears that Stephens fails to disclose detecting the transmission/reception of the signal by the second radio communication unit (mobile transceiver 6).

For example, Stephens merely discloses that a carrier detector 50 determines when the mobile receiver is receiving a signal. (see Stephens, col. 4, lines 49-52). However, Stephens fails to teach or suggest that the carrier detector 50 detects the transmission of a signal from the mobile transceiver 6. The only detector in Stephens that detects a transmission is carrier detector 68, which merely detects a transmission from the portable transceiver 20 instead of from the mobile transceiver 6. As such, Stephens fails to disclose a detection unit that detects transmission/reception of the signal by the second radio communication unit (mobile transceiver 6).

For at least the reasons noted above, Applicants respectfully submit that the claimed invention is distinguishable from Stephens.

According to MPEP §2131, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ...claims.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 ( Fed. Cir. 1990).

Applicants respectfully submit that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, Stephens, fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicants respectfully submit that independent claims 1 and 6-8 are allowable over Stephens for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1, 2, 5-9 and 12 under 35 U.S.C. §102(b) is respectfully solicited.

#### Rejections under 35 U.S.C. §103(a)

Applicants further respectfully submit that the claimed invention is distinguishable from the combination of Stephens and Schultheiss for at least the following reasons:

Applicants submit that Schultheiss fails to make up for the deficiencies found in Stephens noted above. Like Stephens, Schultheiss also fails to disclose the claimed second radio communication unit provided separately and having a detection unit corresponding thereto.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicants respectfully submit that the combination of cited art fail to teach or suggest each and every feature as set forth in the claimed invention.

Accordingly, withdrawal of the rejection of claims 3, 4, 10 and 11 under 35 U.S.C. §103(a) is respectfully requested.

#### Newly submitted claims

Applicants respectfully submit that the newly submitted dependent claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

#### Conclusion

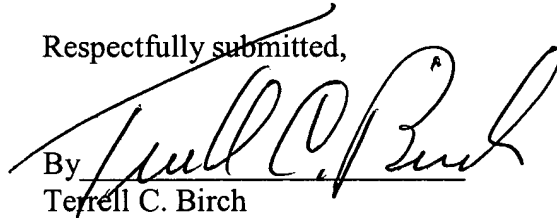
In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,



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